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OFFICE OF PETITIONS

In re Application of
Paul G. Alchas
Application No. 09/825,017
Filed: April 3, 2001
Attorney Docket Number: P-4498D1
Title: INTRADERMAL DELIVERY
DEVICE INCLUDING A NEEDLE
ASSEMBLY

DECISION ON PETITION UNDER
37 C.F.R. §1.137(b)

This is a decision on the petition under 37 CFR §1.137(b)¹, filed March 28, 2005, to revive the above-identified application.

The above-identified application became abandoned for failure to reply within the meaning of 37 CFR §1.112 in a timely manner to the non-final Office action mailed September 21, 2004, which set a shortened statutory period for reply of 3 months. No response was received, and no extensions of time pursuant to 37 C.F.R. §1.136 were requested. Accordingly, the above-identified application became abandoned on December 22, 2004. A Notice of Abandonment was mailed on March 22, 2005.

With the present petition, Petitioner has submitted the petition fee, an amendment, and the proper statement of unintentional delay.

Petitioner has met all requirements for a grantable petition under 37 C.F.R. §1.137(b). As such, the petition is **GRANTED**.

¹ A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed;
- (2) The petition fee as set forth in § 1.17(m);
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;
- (4) Any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (d) of this section.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

An extension of time under 37 C.F.R. §1.136 must be filed prior to the expiration of the maximum extendable period for reply². Accordingly, since the \$ 1,500 extension of time submitted with the petition on March 28, 2005 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.



Paul Shanoski
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United States Patent and Trademark Office

² See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988).